



## Electronic Submission: Terms of Use

**Posted:** July 29, 2010

The California Court of Appeal, Second Appellate District ("Court") provides this Electronic Notification Address (the "Service") to electronic filers and their legal representatives ("Electronic Filer") in order to enable the electronic submission of documents to the Court under California Rules of Court, rule 8.70.

By checking the "I have read and agree to the terms of use" box on the online Electronic Submission page, and accessing and using the Service, the Electronic Filer hereby agrees to the following terms and conditions:

1. The electronic filer agrees to follow all applicable statutes, rules, regulations, and court orders, including without limitation the California Rules of Court, and the standing orders of the judges of the courts, in the deposit of Briefs. In particular, Electronic Filer must follow rule 8.70 of the California Rules of Court and must:
  - a. comply with any Court requirements designed to ensure the integrity of the Service and to protect sensitive personal information, including the Court's protective nondisclosure policy for living victims of sex crimes and minors innocently involved in appellate court proceedings (see Protective Nondisclosure of Identity Policy in the Cal. Style Manual (4th ed. 2000) section 5:9 et seq. provided below);
  - b. furnish information the Court requires for case processing;
  - c. take all reasonable steps to ensure that the document does not contain defective or malicious computer code, including without limitation computer viruses or "malware" that might be harmful or damaging to the Service and to other users; and
  - d. not take any action that might damage or compromise the security of the Service or this web site, or render the Service inaccessible to other users.
2. For any documents to be filed "under seal," the Electronic Filer must ensure the confidentiality of the documents as required by any applicable statute, rule, regulation, or court order, particularly any order of the court sealing the documents and California Rules of Court, rules 2.550, 2.551, 8.46, and 8.212, as applicable.
3. The Court may suspend or discontinue the Electronic Filer's access to the Service in order to protect its security or to prevent damage, misuse, or fraud. If Electronic Filer's access to the Service is thereby denied, the Electronic Filer may submit documents to the Court according to the requirements of rule 8.72(c).

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4. The Service is provided "As Is" and "As Available." The Court expressly disclaims any and all warranties, expressed or implied, including without limitation any implied warranties of merchantability, fitness for a particular purpose, or noninfringement. The Court makes no warranties that the Service or its use will be uninterrupted, timely, or error-free or will meet the requirements or expectations of the Electronic Filer.
5. Neither the Court nor any Judicial Branch Entity as defined in California Government Code section 900.3 will be liable to the Electronic Filer for any direct, indirect, incidental, special, consequential, or exemplary damages, including without limitation damages for loss of profits, goodwill, use, data, or other intangible losses (even if the Court or any other Judicial Branch Entity has been advised of the possibility of such damages) resulting from the use or the inability to use the Service.
6. The Court reserves the right to modify these Terms of Use at any time without prior notice. The Electronic Filer's use of the Service following any such modification constitutes agreement to follow and be bound by the Terms of Use as modified. The last date these Terms of Use were revised is set forth above.

**Contact:**

California Court of Appeal, Second Appellate District, 213-830-7000

**PROTECTIVE NONDISCLOSURE OF IDENTITY POLICY**

**(Reprinted with permission from Cal. Style Manual (4th ed. 2000).)**

**§ 5:9 Policy regarding nondisclosure of victim or minor**

The Supreme Court has issued the following policy statement to all appellate courts: "To prevent the publication of damaging disclosures concerning living victims of sex crimes and minors innocently involved in appellate court proceedings it is requested that the names of these persons be omitted from all appellate court opinions whenever their best interests would be served by anonymity. Anonymity, however, is inappropriate for homicide victims, who are to be identified whenever possible." Thus, a homicide victim's name is not suppressed even if a sex crime was also committed against that victim. Individuals entitled to protective nondisclosure are described by first name and last initial, or by referring to them by their status. Do not use middle names or middle initials, street addresses, or full birth dates. The name "Anonymous" and other fictitious names should be avoided absent a court order under Penal Code section 293.5 (Jane Doe or John Doe designation).

Susan T.  
The complaining witness  
the 10-year-old child  
the victim (Mary)  
Anna B., *not* Anna Marie B. or Anna M. B.

**§5:10 Application to minors, juvenile court law**

The identity of minors involved in juvenile court proceedings, or innocently involved in appellate court proceedings, should be protected both in the title and in the body of an opinion, generally by using the first name and last initial. If a parent has the same last name as the minor, the parent's last name should be suppressed as well. If the minor's first name is so unusual as to defeat the objective of anonymity, only the minor's initials should be used.

In re CHANTAL S., a Person Coming  
Under the Juvenile Court Law.

RIVERSIDE COUNTY DEPARTMENT  
OF PUBLIC SOCIAL SERVICES,  
Plaintiff and Respondent,

v.  
RANDALL S.,  
Defendant and Appellant. [title]

A petition charged John E., a minor, with burglary.  
The two minors, K.D. and J.D., were removed from their parents' home.  
Fred E. testified at the juvenile court hearing of his daughter Mary E.

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The nondisclosure policy does not apply where the minor is held to answer as an adult in criminal proceedings. However, nondisclosure is followed when a minor *successfully* seeks relief in a collateral proceeding, such as a petition for a writ of mandate to compel the juvenile court to reconsider its determination that he or she was not amenable to treatment under juvenile law.

### **§ 5:11 Adult plaintiff's action for wrongdoing committed during plaintiff's minority**

Protective nondisclosure should not be applied to an adult who is bringing an action for wrongdoing committed against him or her during the plaintiffs minority. (See, e.g., *Sellery v. Cressey* (1996) 48 Cal.App.4th 538; *Doyle v. Fenster* (1996) 47 Cal.App.4th 1701.)

### **§ 5:12 Jurors and witnesses**

After a verdict in a criminal matter, court records containing juror personal identifying information are sealed, and that information remains confidential (Code Civ. Proc., §§ 206,237). In such cases, care must be taken to ensure that protected jurors not be identified in opinions. Initials or juror identification numbers, or similar identification adopted by local court rules or policies, may be used instead of names. Similarly, the identities of victims or witnesses in criminal matters may be subject to protective nondisclosure. (See, e.g., Pen. Code, § 1054.7.) Again, care must be taken to ensure that those persons not be identified in opinions.

### **§ 5:13 Lanterman-Petris-Short conservatees**

Welfare and Institutions Code section 5325.1, subdivision (b), part of the Lanterman-Petris-Short Act (Welf. & Inst. Code, § 5000 et seq.) protects a conservatee's right to dignity, privacy, and care. Accordingly, the identity of such conservatees should not be disclosed. (See, e.g., *Conservatorship of Susan T.* (1994) 8 Cal.4th 1005.)